

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

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FILE: B-185785

DATE: March 30, 1976

MATTER OF: Chemical Compounding Corporation

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DIGEST:

Allegation that to the best of the protester's knowledge, it was the only firm possessing test equipment needed to perform contract, essentially questions agency's affirmative determination that successful offeror was responsible. Protest is dismissed because GAO has discontinued review of bid protests involving affirmative responsibility determinations except where fraud is alleged.

Chemical Compounding Corporation (Chemical) protests the award of a contract to any other bidder under solicitation No. 6PR-W-04195-EP-F, issued by the Business Service Center, General Services Administration (GSA), Kansas City, Missouri.

Chemical states that to the best of its knowledge, it is the only firm possessing an item of test equipment needed to perform the contract. The protester requests the Government to determine whether other offerors have the required test apparatus and in the event that they do not, Chemical alleges it would be the only "responsive or responsible" offeror. We have been advised by GSA that the equipment to which Chemical refers is Government-owned and is to be made available to another offeror who received the award on the basis of lowest price.

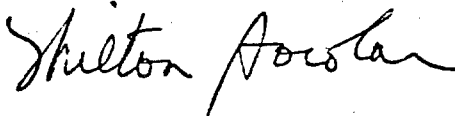
In questioning whether other offerors could perform the required tests, Chemical raises a question of responsibility--a firm's ability to perform the contract--rather than the responsiveness of its offer.

This Office has discontinued its review of protests involving an affirmative determination of responsibility unless fraud is alleged on the part of the procuring officials. Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64; United Hatters, Cap and Millinery Workers International Union, 53 Comp. Gen. 931 (1974), 74-1 CPD 310. The standards for responsible prospective contractors and the requirements for affirmative responsibility determinations essentially involve subjective judgments which are largely within the discretion of procuring officials.

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Therefore, where the contracting officer finds the proposed contractor responsible, this affirmative responsibility determination should not be questioned by this Office. However, we will continue to consider protests against determinations of nonresponsibility to provide assurance against the arbitrary rejection of bids.

for 
Paul G. Dembling
General Counsel